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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,363	12/28/2001	Paul D. Jenkins	069270.0103	2066

7590 11/28/2006

Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/035,363	Applicant(s) JENKINS ET AL.	
	Examiner Simon Sing	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 9, 14, 15, 17, 22, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8, 10-13, 16, 18-21 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 17-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 17 is a functional descriptive material because the claimed logic is an abstract idea with no practical application, i.e. the logic does not define any structures and functional interrelationships between the logic and other claimed aspects of the invention which permit the logic's functionality to be realized. In other words, the logic should be encoded in a computer readable medium (or media) and executed by a computer.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2614

2. Claims 1, 6, 7, 9, 14, 15, 17, 22, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kepley et al. US 4,790,03.

2.1 Regarding claims 1, 17 and 25, Kepley discloses a voice messaging system (VMS) for recording and delivering a voice message. Kepley teaches:

maintaining a plurality of rules governing voice messages, each rule specifying a trigger event (receiving a voice message), conditional criteria (the voice message in a delivery queue for a remote voice messaging system) and an action (delivering the voice message) (column 5, lines 10-54);

detecting an occurring event (a caller calls the VMS to create a voice message) for an enterprise message, the enterprise message (a voicemail message with a header) comprising a voice message and categorization data (message recipient's ID in the header, which categorizes whether the recipient's mailbox is in a local or remote voice messaging system) elicited from a caller during an interactive session in which the voice message is received from the caller (column 5, lines 10-34, 50-61; column 12, lines 48-64), the categorization data specifying association between the message and information associated with information (whether the recipient's mailbox is in a local VMS or in a remote VMS) maintained in a database (data system) (column 4, lines 28-61; column 7, lines 58-67);

determining whether the occurring event matches the triggering event specified for a selected one of the rules (caller creates a voice message) (column 5, lines 10-34);

if events match, determining whether the categorization data satisfy the conditional criteria (the voice message is in a delivery queue for the recipient who is on a remote voice message system);

if the criteria are met, delivering the voice message to the called party's voice mailbox, updating (modification) the delivery queue and the message count in the recipient's mailbox (column 12, lines 48-67; column 13, lines 1-3; column 16, lines 48-56).

2.2 Regarding claims 6 and 22 as discussed above, the voice message is delivered to the message recipient's mailbox.

2.3 Regarding claims 7 and 23 as discussed above, the occurring event is a creation of the enterprise message.

2.4 Regarding claim 9, Kepley discloses message processor (server) 112 in figure 1, comprising:

a telephony service module operable to establish a voice channel with a caller and to receive a voice message from the caller (column 5, lines 10-34);

a data services module operable to couple to a data system 120;

an integration module operable to elicit categorization data (called party's ID) from the caller during an interactive session in which the voice message is received from the caller, the categorization data specifying associations between the voice

Art Unit: 2614

message and information associated with a message recipient's mailbox in the voice messaging system (column 4, lines 28-61; column 7, lines 58-67), the integration module further operable to:

- store the voice message and the categorization data (column 5, lines 59-61);

- maintain a plurality of rules governing voice messages, each rule specifying a trigger event (caller calls voice messaging system), conditional criteria (the voice message in a delivery queue for a remote voice messaging system) and an action (delivery the voice message to recipient's mailbox) (column 5, lines 10-59; column 12, lines 58-64);

- detecting an occurring event (caller calls the voice messaging system) for an enterprise message (column 5, lines 10-59);

- determining whether the occurring event matches the triggering event specified for a selected one of the rules (receiving a call from a caller);

- if events match, determining whether the categorization data satisfy the conditional criteria (the voice message in a delivery queue for a remote voice messaging system) (column 5, lines 50-59; column 12, lines 48-60);

- if the criteria are met, delivering the voice message to the message recipient's mailbox, and updating message count in the message recipient's mailbox (column 12, lines 48-67; column 13, lines 1-3; column 16, lines 48-56).

Art Unit: 2614

2.5 Regarding claim 14 as discussed above, the voice message is delivered to the recipient's mailbox.

2.6 Regarding claim 15, as discussed above, the occurring event is creating the enterprise message.

Allowable Subject Matter

3. Claims 2-5, 8, 10-13, 16, 18-21 and 24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

The prior art cited above fail to teach the claimed limitations cited in these claims.

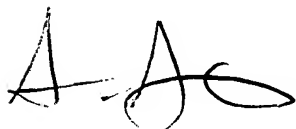
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) US 5,687,220 (Finnigan).
- b) US 5,909,483 (Weare et al).

c) US 6,069,890 (White et al).

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

11/22/2006



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600